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10 UNITED STATES DISTRICT COURT
11 DISTRICT OF NEVADA
12 RENO DIVISION
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14 SANDRA K. MORELAND,
15 Plaintiff,
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17 v.
18 NANCY A. BERRYHILL,
Acting Commissioner of Social Security,
19 Defendant.
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No. 3:16-cv-00530-RCJ-CBC

STIPULATION AND PROPOSED ORDER FOR
THE AWARD OF ATTORNEY FEES
PURSUANT TO THE EQUAL ACCESS TO
JUSTICE ACT, 28 U.S.C. § 2412(d) AND
COSTS PURSUANT TO 28 U.S.C. § 1920

1 IT IS HEREBY STIPULATED by and between the parties through their undersigned
2 counsel, subject to the approval of the Court, that Plaintiff be awarded attorney fees and expenses
3 under the EAJA in the amount of FOUR THOUSAND dollars (\$4,000.00) and costs in the
4 amount of \$400. This amount represents compensation for all legal services rendered on behalf
5 of Plaintiff, to date, by counsel in connection with this civil action, in accordance with 28 U.S.C.
6 §§ 2412 and 1920.

7 After the Court issues an order for EAJA fees and expenses to Plaintiff, the government
8 will consider the matter of Plaintiff's assignment of EAJA fees and expenses to Plaintiff's
9 attorney. Pursuant to *Astrue v. Ratliff*, 560 U.S. 586 (2010), the ability to honor the assignment
10 will depend on whether the fees, expenses are subject to any offset allowed under the United
11 States Department of the Treasury's Offset Program. After the order for EAJA fees and expenses
12 is entered, the government will determine whether they are subject to any offset.

13 Fees and expenses shall be made payable to Plaintiff, but if the Department of the
14 Treasury determines that Plaintiff does not owe a federal debt, then the government shall cause
15 the payment of fees to be made directly to counsel, pursuant to the assignment executed by
16 Plaintiff. Any payments made shall be delivered to Plaintiff's counsel.

17 This stipulation constitutes a compromise settlement of Plaintiff's request for EAJA
18 attorney fees and expenses, and does not constitute an admission of liability on the part of
19 Defendant under the EAJA. Payment of the agreed amount shall constitute a complete release
20 from, and bar to, any and all claims that Plaintiff and/or Plaintiff's counsel may have relating to
21 EAJA attorney fees and expenses in connection with this action.

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1 This award is without prejudice to the rights of Plaintiff's counsel to seek Social Security
2 Act attorney fees under 42 U.S.C. § 406, subject to the offset provisions of the EAJA.

3 Respectfully submitted,

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5 DATE: January 23, 2019

s/ Daniel S. Jones
(as authorized by electronic mail)
DANIEL S. JONES

7 Attorney for Plaintiff

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9 NICHOLAS A. TRUTANICH
United States Attorney

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11 DATE: January 23, 2019

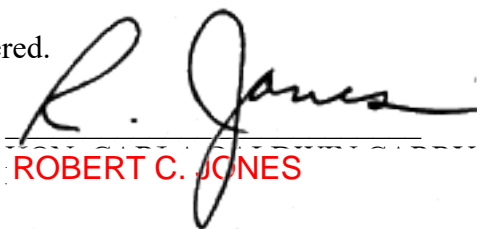
By s/ Daniel P. Talbert
DANIEL P. TALBERT
Special Assistant United States Attorney

13 Attorneys for Defendant

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18 ORDER

19 Pursuant to stipulation, it is so ordered.

20 DATE: January 24, 2019.


ROBERT C. JONES